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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 WALTER BANER,

12 Petitioner,

13 v.

14 D.V.I.,

15 Respondent.
16

No. 2:20-CV-0563-DMC-P

ORDER

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254.

19 Petitioner has not filed a complete application to proceed in forma pauperis, along
20 with a “certification from the warden or other appropriate officer of the place of confinement
21 showing the amount of money or securities that the petitioner has in any account in the
22 institution” as required by Rule 3(a)(2) of the Federal Rules Governing Section 2254 Cases, or
23 paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Petitioner will be provided the
24 opportunity to submit either a completed application to proceed in forma pauperis, with the
25 required certification, or pay the appropriate filing fee. As to the certification requirement, while
26 a copy of petitioner’s prison trust account statement certified by prison officials is not required to
27 satisfy the requirement, such a statement will suffice. Petitioner is warned that failure to comply
28 with this order may result in the dismissal of this action for lack of prosecution and failure to

1 comply with court rules and orders. See Local Rule 110.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Petitioner shall submit on the form provided by the Clerk of the Court,
4 within 30 days from the date of this order, a complete application for leave to proceed in forma
5 pauperis, with the certification required by Rule 3(a)(2), or pay the appropriate filing fee; and

6 2. The Clerk of the Court is directed to send petitioner a new form
7 Application to Proceed In Forma Pauperis By a Prisoner.

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10 Dated: April 3, 2020



11 DENNIS M. COTA
12 UNITED STATES MAGISTRATE JUDGE
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